

REMARKS

The present application includes claims 1-6 and 8-11. By this response, claims 1 and 9 have been amended. No new matter has been added by these amendments.

Claim Objections

As noted by the Examiner, claim 9 on file is a duplication of claim 8. This appears to be an inadvertent typing error in the last amendment. Claim 9 has been amended to reinstate the correct claim limitation as originally filed. Claim 9 now reads as “The gaming machine of claim 1 which includes a control means for controlling operation of the illuminating arrangement.” The amendment to claim 9 corrects a typographical error made in a previous submission and responds to the Examiner’s objection to claim 9 under 37 CFR 1.75. Therefore the Applicant respectfully submits that the amendment to claim 9 should be entered under 37 CFR § 1.116(b)(1) and/or 1.116(2).

35 USC §103 (Obviousness)

Claims 1-6 and 8-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow et al., U.S. Patent 6,656,041 (“Kaminkow”) and further in view of Chaudhry et al. U.S. Patent 4,363,486 (“Chaudhry”). The Applicant first turns to the amendment of independent claim 1. Claim 1 has been amended to recite a gaming machine illuminating arrangement “operable to provide backlighting for the panel.” The amendment to claim 1 was not presented earlier because it is made to overcome a new rejection made in the Final Office Action that is based on newly cited references. The Applicant respectfully submits that the amendment puts all pending claims in condition for allowance over the prior art of record, and therefore, the amendment to claim 1 should be admitted under 37 CFR § 1.116(b)(3).

The Applicant respectfully submits that Kaminkow further in view of Chaudhry does not teach all of the limitations recited in the pending claims for at least the reasons discussed below.

Claim 1 defines a gaming machine comprising a chamber-defining portion that defines a chamber. A panel carrying gaming-machine artwork is arranged on one side of the chamber and a light-diffusing element is arranged on an opposed side of the chamber in spaced relationship relative to the panel. A gaming machine illuminating arrangement is arranged in the chamber between the panel and the light-diffusing element. The gaming machine illuminating arrangement is operable to provide backlighting for the panel and comprises a carrier and a plurality of semi-conductor illuminating elements arranged in a pre-determined array on the carrier.

Kaminkow describes a method and apparatus for emulating a storm associated with a gaming device. The apparatus of Kaminkow includes a topper unit having a blower mechanism to create an air stream that emulates winds associated with a storm. The topper unit further includes an illumination source that emulates lightning associated with a storm (see Kaminkow, Abstract).

In Kaminkow, the housing 58 includes an opaque or translucent plastic face plate 70 removably connected thereto which acts to diffuse the light, heightening the lightning effect. The face plate may also display the name of the primary or secondary game (column 4, lines 21-23). The face plate may also include a thunder cloud pattern that heightens the lightning effect (column 5, lines 35-37).

The Office Action argues that the panel 70 of Kaminkow represents both the light-diffusing element and the artwork-carrying panel of claim 1 of the present application. The Office Action concedes that "Kaminkow does not specifically disclose that the light-diffusing

element can be arranged on an opposed side of the chamber in spaced relationship relative to the panel.”

It is respectfully submitted that the arrangement defined in claim 1 is significantly different from the arrangement of Kaminkow. Claim 1 of the present application includes a panel carrying artwork and a separate light diffusing element that is spaced apart from the panel at opposite sides of a chamber as shown, for example, in Figure 3. This is not a mere rearrangement of the elements described by Kaminkow. The gaming machine of claim 1 provides an arrangement in which diffused light within the chamber is used to backlight artwork on the panel. This contrasts with Kaminkow’s simulated lightning.

Chaudhry describes an electronic gaming apparatus including a front panel that has windows through which various indicators may be viewed. As seen in Fig 3 of Chaudhry, the gaming machine includes windows 24 with a thin transparent mylar strip 102 immediately behind the windows and a pair of ordinary incandescent light bulbs 104 disposed on each side of the window 24. The mylar surface diffuses and reflects light more or less uniformly over the curved surface of a web covered reel 54 disposed immediately behind the window and mylar strip. Artwork such as pictures of playing cards 86 is provided on the web 80. Thus, the playing cards are visible through window 24 illuminated by the light bulbs 104. There is no suggestion in Chaudhry that the means of illumination provides backlighting for a panel carrying artwork. Thus, even if it were permissible to combine the teachings of Kaminkow and Chaudhry, the resulting combination would not include all of the limitations of claim 1.

In addition, it is submitted that no persuasive reason has been provided as to why a person skilled in the art would combine Kaminkow and Chaudhry. The Office Action cites a passage of Kaminkow that states that “the invention is not limited to the disclosed embodiments,

but on the contrary is intended to cover various modifications and equipment arrangements included within the spirit and scope of the claims. It is thus to be understood that modifications and variations in the present invention may be made without departing from the novel aspects of this invention as defined in the claims, and that this application is to be limited only by the scope of the claims.” (Kaminkow, column 5, lines 55-63). It is submitted that this boilerplate statement does not provide any reason as to why a skilled person would seek to combine Kaminkow and Chaudhry. For at least the foregoing reasons, it is respectfully submitted that claim 1 is patentable over Kaminkow and Chaudhry.

Dependent claims 2-6 and 8-11 depend from independent claim 1 and thus are believed patentable over Kaminkow and Chaudhry, at least for the same reasons as for claim 1. However, each of the dependent claims is also deemed to define an additional aspect of the invention, and individual reconsideration of each is requested.

With regard to claim 4, the Office Action asserts that Kaminkow, at column 4 lines 58-64, teaches that the light emitting diodes (LEDs) are arranged in a sequence of repeating groups on the strip. The Applicant has carefully reviewed the cited passage, but can find no description of LEDs being arranged in a sequence of repeating groups. Instead, the passage relates to a plurality of light bulbs that may flash in a regular or irregular pattern (emulating lightning during a storm). This relates to a temporal sequence rather than to a physical arrangement of repeating groups of LEDs on a strip.

Similarly, with respect to claims 5 and 6, in the Applicant’s understanding, there is no teaching in Kaminkow of gaming machines in which each group of LEDs comprises a predetermined number of differently coloured LEDs, or a gaming machine in which each group of LEDs comprises LEDs corresponding to the three primary colours.

In conclusion, the Applicant respectfully submits that claims 1-6, and 8-11 should be allowed for at least the reasons discussed above.

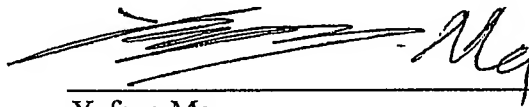
CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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